United States Court of Appeals
For the District of Columbia Circuit

No. 99-7199

September Term, 1999
98cv01946

Katherine T. Wallace,
Appellant

v.

Skadden, Arps, Slate, Meagher & Flom LLP et al.,
Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

May 17, 2000, Filed

BEFORE: Williams, Randolph and Rogers, Circuit Judges

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. P. 36; D.C. Cir Rule 36(b). It is

ORDERED AND ADJUDGED that the district court's order filed September 13, 1999, be affirmed substantially for the reasons stated in its accompanying memorandum opinion. While conclusory allegations will often be sufficient to withstand a motion under Federal Rule of Civil Procedure 12(b)(6), where plaintiff makes clear that the allegations rest on specific facts that do not suffice, and no other set of facts, grant of a motion under Rule 12(b)(6) is appropriate. See Conley v. Gibson, 355 U.S. 41, 45-47 (1957). With respect to appellant' allegations of improper

ex parte communications, the court finds no impropriety. See Williams v. Phillips Petroleum Co., 23 F.3d 930, 938-40 (5th Cir. 1994). Nor has appellant provided any evidence of judicial bias. See Liteky v. United States, 510 U.S. 540, 555 (1994). Nevertheless, the court declines to follow appellees' suggestion that sanction be imposed as they have not demonstrated that sanctions are warranted. See Fed. R. App. P 38; D.C. Cir. Rule 38.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir Rule 41.

Per Curiam

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KATHERINE T. WALLACE, PH.D.	)	
	)	
Plaintiff,	)	Civil Action No.
	)	98CV-1946
vs.	)	(CKK)
	)	
SKADDEN, ARPS, SLATE, MEAGHER& FLOM LLP et al.	)	
	)	
Defendants.	)	
	)	

September 13, 1999, Filed.

MEMORANDUM OPINION

Plaintiff, Dr. Katherine T. Wallace, brings this action in federal court alleging that Defendants Skadden, Arps, Slate, Meagher & Flom ("Skadden"), *et al.* engaged in a pattern of racketeering activity in violation of the Racketeer Influenced and Corrupt Organizations Act of 1970 ("RICO"), 18 U.S.C. § 1962(c) and (d). The circumstances precipitating this action arose out of two lawsuits Dr. Wallace had initiated in District of Columbia Superior Court against Skadden, where she was employed as an associate prior to her termination in 1995. One alleged defamation against her, the other discrimination on the basis of her race and marital status. In the course of preparing for those suits, Dr. Wallace contends that Skadden offered and provided free legal representation to an assortment of former employees whom Dr. Wallace had subpoenaed as third-party witnesses. In Dr. Wallace's view, this free representation amounted to bribery, obstruction of justice and witness tampering, all intended to harm Dr. Wallace as she attempted to litigate her claims. Claiming that Skadden is an "enterprise" as contemplated by 18 U.S.C. § 1962,

Dr. Wallace filed this action in federal court pursuant to RICO.

Defendants moved to dismiss Dr. Wallace's case in its entirety, pursuant to Fed. R. Civ. P. 12(b)(6), contending that Dr. Wallace fails to state a claim for which relief can be granted. In particular, the challenge the legal predicates for Dr. Wallace's RICO action, and maintain that this action essentially embellishes potential questions of discovery and legal ethics into a fanciful tale of racketeering. Because the Court agrees with Defendants that Dr. Wallace fails to state a legally cognizable claim under RICO, it shall grant Defendants' Motion to Dismiss, and shall dismiss Dr. Wallace's case in its entirety.[1]

I. BACKGROUND.

For the most part, the essential facts in this action are not in dispute. Rather, the parties dispute why certain events occurred, and what those events signify with respect to Defendants' motives. Plaintiff Dr. Wallace, an African American woman, was employed as an associate in Skadden's Washington, D.C. office from September 1993 to September 1995, when her employment was terminated. *See* First Am. Compl. ¶¶3-6. Following this termination, Dr. Wallace filed and herself began to litigate two successive lawsuits against the firm, one alleging defamation ("Defamation case"), and the other alleging

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[1] Dr. Wallace filed a Motion for Partial Summary Judgment on the same day that Defendants filed their Motion to Dismiss. Because the Court dismisses Dr. Wallace's Complaint on its face, it does not need to reach her summary judgment motion. In addition to filing that motion, Dr. Wallace has requested in her Opposition to Defendants' Motion to Dismiss that this Court consider the additional materials she has submitted in support of that Opposition. A court may decide to convert a motion to dismiss into one for summary judgment where matters outside the pleadings are presented, and where the court opts to review such matters. *See* F.Rule.Civ.P. 12(b). "There are constraints on a court's ability to thus transform a motion to dismiss, however. Specifically, Rule 12(b) provides further that, if a motion to dismiss is converted to a motion for summary judgment, 'all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56'" *Tele-Communications of Key West, Inc. v. United States,* 757 F.2d 1330, 1334 (D.C. Cir. 1985). Here the Court sees no advantage to either party, nor to the interests of justice, to effect the conversion which Dr. Wallace requests.

employment discrimination and discriminatory termination on the basis of her race and marital status "(Discrimination case").[2] The District of Columbia Superior Court dismissed both cases, but the District of Columbia Court of Appeals reinstated a portion of the Defamation case and the entire Discrimination case. *See id.* ¶¶ 9-16; *see also Wallace v. Skadden, Arps, Slate, Meagher & Flom et al.*, 715 A.2d 873 (D.C. Ct.App. 1998).

It was during discovery for those cases that the events animating the instant action arose. Principally, Dr. Wallace fells that her attempts to conduct discovery were thwarted when Skadden, the lawyers representing Skadden in those cases, and various third party witnesses whom Dr. Wallace sought to depose regarding her employment with Skadden, all conspired to undermine her litigation efforts. *See id.* ¶¶ 20-22. In her Complaint, Dr. Wallace alleges that each and every named Defendant participated in this process by controlling and frequently rendering inaccessible testimony which she endeavored to procure in the course of discovery.[3] *See id.* ¶¶ 23-170. Dr. Wallace has never litigated these issues in the Superior Court.

II. DISCUSSION

A. Evaluating Dr. Wallace's Complaint on a Motion to Dismiss

When ruling on a motion to dismiss, district courts must afford the complaint a charitable reading, giving Plaintiff the benefit of all inferences that can be derived from the facts alleged. *EEOC v. St. Francis Xavier Parochial Sch.*, 117 F.3d 621, 624

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[2] Dr. Wallace has three children. *See* First Am. Compl. ¶ 11. Although she does not discuss her marriage in the Complaint, she does mention her husband elsewhere in her pleadings.

[3] Since Dr. Wallace has structured her Complaint with a good deal of repetition as a kind of inventory of each putatively conspiratorial activity (although never indicating how she became aware of this conspiracy or what exactly it effects were), the Court finds no need to elaborate on each Count therein.

(D.C. Cir.1997). Here, the Court remains especially mindful of its duty to Dr. Wallace in light of the fact that she is proceeding *pro se* in this action. As a general matter, complaints filed by *pro se* plaintiffs are held "to less stringent standards than formal pleadings drafted by lawyers." *Estelle v. Gamble*, 429 U.S. 97, 106 (1976); *see also Moore v. Agency for Int'l Development et al.*, 994 F.2d 874, 876 (D.C. Cir. 1993). While Dr. Wallace herself is an attorney, the Court still grants her complaint a liberal construction; indeed she has already amended it once. Nonetheless, her complaint, "like any other must present a claim upon which relief can be granted by the court." *Crasif v. Holland*, 655 F.2d 1305, 1308 (D.C. Cir. 1981).

In *Kowal v. MCI Communications Corp.*, 16 F.3d 1271 (D.C. Cir. 1994), the District of Columbi circuit admonished that, despite this liberal construction, "the court need not accept inferences drawn by plaintiffs if such inferences are unsupported by the facts set out in the complaint. Nor must the court accept legal conclusions cast in the form of factual allegations." *Id.* at 1276; *see also Brug v. Nat'l Coalition for Homeless,* 45 F.Supp. 2d 33, 36 (D.D.C. 1999). To survive a motion to dismiss, a complaint must at the very least, forge a plausible connection between the facts it alleges and cognizable legal claims. "[B]are conclusions of law, or sweeping and unwarranted averments of fact, will not be admitted for purposes of a [motion to dismiss]." *Haynesworth v. Miller*, 820 F.2d 1245, 1254 (D.C. Cir. 1987). Although the Court draws all reasonable inferences from Dr. Wallace's complaint, then, it need do only that: derive those inferences that are reasonable. "While ordinarily the facts alleged in a complaint will be accepted as true for purposes of resolving a motion to dismiss, in the absence of any facts of record supporting a claim for relief, the moving party is entitle to judgment as a matter of law." *First Chicago Int'l v. United Exchange Co., Ltd.*, 655 F.Supp. 787, 795 (D.D.C. 1987) (citations omitted).

B. Dr. Wallace's RICO claim

Despite its 52 Counts (170 paragraphs), Dr. Wallace's First Amended Complaint alleging a violation of RICO fails to

meet the criteria necessary to survive Defendants' 12(b)(6) motion. Dr. Wallace claims that, in offering providing gratuitous legal services to its former employees during the course of the Superior Court proceedings against the firm, Skadden engaged in a pattern of racketeering activity consisting of bribery (pursuant to 18 U.S.C. § 201), obstruction of justice (pursuant to 18 U.S.C. § 1503), and witness tampering (pursuant to U.S.C. § 1512(b). In order to state a claim under civil RICO, Dr. Wallace must show (1) a violation of the substantive RICO statute, here 18 U.S.C. § 1962, and (2) an injury to plaintiff's "business or property" by reason of that violation. *Yellow Bus Lines, Inc. v. Drivers, Chauffeurs & Helpers Local Union 639*, 913 F.2d 948, 950 (D.C. Cir. 1990). A plaintiff may allege violations of state law as predicates of RICO claim only with regard to "murder, kidnaping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical . . . ." 18 U.S.C. (1)(A). Otherwise she must charge the defendant under federal law. To avail herself of RICO's remedies, Dr. Wallace must properly plead each element of the predicate acts underlying her RICO claim — bribery, obstruction of justice, and witness tampering. Accordingly, the Court shall examine Dr. Wallace's contentions with respect to each predicate act in turn.

1. *Bribery*

Dr. Wallace claims that Skadden and the other Defendants engaged in bribery specifically "(a) bribery of and offers of bribes to third-party witnesses called by or designated to be called by Dr. Wallace to give testimony under oath before an officer authorized by law to take testimony . . .; (b) demands for and acceptance and receipt of bribes by third-party witnesses called by or designated to be called by Dr. Wallace to give testimony under oath before an officer authorized by law to take testimony . . . ." First Am. Compl. ¶ 21. Underlying these claims is an assumption that, in offering and providing legal representation free of charge to its former employees in the course of litigation that concerned their employment with Skadden, the firm and all other parties involved in the litigation acted out of illegal motives and/or corrupt intent.

Section 201 of 18 U.S.C. requires Dr. Wallace to prove that either directly or indirectly, Defendants corruptly gave, offered, promised, demanded, sought , received, accepted, or agreed to receive or accept, anything of value in exchange for influencing or being influenced with regard to a witness's testimony under oath. *See* 18 U.S.C. 201(b)(3) and (4). As Defendants correctly point out, however, "[i]n support of her bribery allegation, Plaintiff claims only that cost-free legal representation was offered, provided, requested and received in return for influencing or otherwise impacting testimony." Mot Dismiss at 11. Never in her Amended Complaint does Dr. Wallace explain how Skadden's provision of this free representation to its subpoenaed former employees *per se* constitutes a corrupt act.[4] Rather, she seems to infer a corrupt motive from the fact that Skadden offered free legal services, and simultaneously to assume that such an offer is necessarily corrupt.

Dr. Wallace fails to provide any corroboration of Defendants' putatively corrupt intent, or of the fact that any influence of witness testimony was sought or achieved by Defendants, together or separately. Dr. Wallace ascribes illegal motives to otherwise legal activities, and then characterizes those activities as furthering Defendants' generally corrupt scheme. In doing so, Dr. Wallace presumes what she purports to establish,

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[4] Instead of providing evidence of a corrupt motive, Dr. Wallace makes conclusory statements such as the following:

> Defendant Richard Brusca, partner in Skadden Arps and member of the District of Columbia and New York Bars, in conspiracy with and at the direction of the Discrimination Case Defendants as well as Defendant Goetz, Defendant Schwartz who is partner and firm-wide litigation practice leader of Skadden Arps and Defendant Baer who is counsel to and employment lawyer for Skadden Arps, contacted third party witness Robinson and offered him cost free legal services to be paid for by Skadden Arps with the intent of influencing his testimony under oath at and/or persuading him to absent himself from the deposition to which he was compelled.

First Am. Compl. ¶ 26. Despite the particularity with which she enumerates the parties involved in the putative conspiracy, Dr. Wallace utterly fails to particularize or substantiate the claim that this offer of cost free legal services was tendered "with the intent of influencing his testimony under oath . . .," or any other nefarious motive.

i.e., that Defendants acted nefariously in offering and providing free representation to witnesses in order to control their testimony and thereby obstruct justice. Because Dr. Wallace begins from the assumption that providing legal services to former employees where those employees are subpoenaed as witnesses in a lawsuit against the firm for which the worked is *per se* illegal, and yet provides no statutory or case law support for this assumption, everything she alleges subsequently to corroborate her claim remains bare and conclusory.

2. *Witness Tampering*

Dr. Wallace also claims that Defendants engaged in witness tampering in violation of 18 U.S.C. § 1512. This statute provides, in relevant part, that :

> Whoever knowingly uses intimidation or physical force, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person with intent to (1)influence, delay or prevent the testimony of any person in an official proceeding; (2) cause or induce a person to withhold testimony . . . from an official proceeding; evade legal process summoning that person to appear as a witness . . . in an official proceeding to which such person ha been summoned by legal process . . . shall be fined . . . or imprisoned . . . or both.

18 U.S.C. § 1512(b). Defendants counter, however, that "Plaintiff did not and cannot plead the requisite nexus between Defendants' conduct and an 'official proceeding.'" Mot. Dismiss at 15. In support of this contention, they refer the Court to *United states v. Allen*, 719 F, Supp. 120 (D.D.C. 1989), which states that "the D.C. Superior Court is clearly not within this definition." *Id.* at 121 (citing, *inter alia, Park South Associates v. Fischbein*, 626 F.Supp. 1108 (S.D.N.Y), *aff'd*, 800 F.2d 1128 (2d Cir. 1986) (holding in a civil RICO suit that state court proceedings were not official proceedings for purposes of 18 U.S.C. § 1512)). Because

the events of which Dr. Wallace complains took place in the course of discovery for cases pending before the District of Columbia Superior Court, she has failed adequately to plead the requisite elements of section 1512(b)

In addition to this failure, though, Dr. Wallace has again neglected to offer anything to substantiated this claim beyond mere conclusory allegations. Her charge of witness tampering once again rests on the assumption that Skadden's offer of legal representation to its former employees itself constitutes an illegal attempt to influence witness testimony. The Court does not agree. As Defendants have justly noted, "[t]he conduct Plaintiff challenges violates no law or ethical rule. Rather it comports with common practice . . . ." Mot. Dismiss at 2. It is common place for employers to offer legal representation to former employees who are subpoenaed to testify in cases pertaining to that employment. That practice alone does not support a RICO claim or its predicate acts without additional allegations from which a court could reasonably infer illegality.

3. *Obstruction of justice*

Dr. Wallace's obstruction of justice claim suffers from the same lack of substance. Defendants point out, and the Court agrees, that Dr. Wallace fails to plead a threshold element of this claim as well. Conduct obstructing justice must take place in a "court of the United States" to qualify as obstruction of justice under 18 U.S.C. § 1503(a). This court found, in *United States v. Smith*, 729 F. Supp. 1380 (D.D.C. 1990), section 1503 to require that "proceedings must in fact be federal for the charge [obstruction of justice] to lie." *Id.* at 1386 (citations omitted). As was true in part in that case, the proceedings before which Dr. Wallace alleges Defendants to have obstructed justice by "knowingly and corruptly influencing, obstructing, and impeding the due administration of justice and/or corruptly endeavoring to do so," First Am. Compl. ¶ 21, took place in a District of Columbia Superior Court, and not in a federal court. Therefore section 1503 is inapposite, and the charge cannot lie.

Dr. Wallace has indicated that she would like leave to

amend her Complaint once again, if the Court deems it necessary, in order to substitute District of Columbia statutes prohibiting bribery for the latter two federal statute she cites. *See* Pl.'s Mem. Opp. Mot. Dismiss at 16, 22-24. In so doing, she hopes to circumvent the jurisdictional problems her obstruction of justice and witness tampering claims present. While such substitution might cure her jurisdictional problems, it would ultimately prove futile, since Dr. Wallace continues to rely on mere conclusory allegations. Moreover, Dr. Wallace's gesture indicating her desire to amend falls show of what Local Rules require: thus she "fail[s] to tender a proposed amended complaint pursuant to Local Rule 108(i), which states that '[a] motion for leave to file an amended pleading shall be accompanied by an original of the proposed pleading as amended.'" *Kowal*, 16 F.3d at 1280 (citing District of Columbia Local Rule 108(i)).

Defendants advance several additional arguments in their Motion to Dismiss as to why the Court should dismiss Dr. Wallace's Complaint. Because the Court dismiss her Complaint in its entirety on the grounds expressed in the foregoing discussion, though, the Court need not reach the additional arguments proffered by Defendants.

C. Attorneys' fees under 28 U.S.C. § 1927

Finally, Defendants charge that, because "Plaintiff's claims are not only baseless, but . . . are highly inflammatory and malicious and it is clear she acted in bad faith, vexatiously, wantonly, or for oppressive reasons. . . ," Mot. Dismiss at 20-21 (citing *John Akridge Co. v. Travelers Cos.*, 944 F. Supp. 33, 34-35 (D.D.C. 1996)), this Court should award them attorneys' fees and costs.[5] Dr. Wallace never addresses this charge, except to conclude her Opposition to Defendants' Motion to Dismiss by asserting, "[f]or all the foregoing reasons, Defendants' Motion to

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[5] 28 U.S.C. § 1927 provides: "Any attorney or other person admitted to conduct cases in any court of the United States . . . who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expense, and attorneys' fees reasonably incurred of such conduct."

Dismiss and for costs must be denied . . . ." Mem. Supp. Opp. Mot. Dismiss at 30. Since she provides no direct opposition to Defendants' request for fees and costs under section 1927, the Court will take her silence on this issue as a concession. Before the Court, then, is an uncontroverted record suggesting that Dr. Wallace has engaged in this litigation out of bad faith. *See* Mot. Dismiss at 21; *see also Olivieri v. Thompson*, 803 F. 2d 1265, 1273 (2d Cir. 1986) ("[A]n award under § 1927 is proper when the attorney's actions are so completely without merit as to require the conclusion that they must have been undertaken for some improper purpose . . . ."). Because the Court finds that Dr. Wallace's Complaint utterly lacks merit, and because she has not offered any arguments opposing Defendants' request for attorneys' fees and costs, the Court shall grant this request as well.

III. CONCLUSION

Dr. Wallace's RICO claim constitutes a creative, but ultimately illusory, apparatus within which to understand the discovery disputes that have left her dissatisfied. Not only does she present no evidence in her Complaint which would give rise to a reasonable inference of illegality under RICO or the predicate statutes she cites, but moreover, these circumstances bear no resemblance to those Congress wished to each in enacting RICO. RICO provides another weapon in the fight against organized crime. *See Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 484 (1984). ("In summarizing the bill on the House floor, its sponsor described the treble-damages provision as 'another example of the antitrust remedy being adapted for use against organized criminality.'" 116 Cong.Rec. 35295 (1970)). The *Sedima* Court also expressed some chagrin at the extent to which the uses of RICO had diverged from those Congress intended, although it recognized that this divergence in part stems from the breadth of the statute. *See id.* at 498-500. Nonetheless, this Court finds that, in the absence of anything in her Complaint beyond conclusory allegations and "sweeping and unwarranted averments of fact," *Haynesworth*, 820 F.2d at 1254, RICO's breadth does not reach the activities Dr. Wallace alleges here.

For the foregoing reasons, Defendant's Motion to Dismiss is GRANTED.
An order accompanies this memorandum opinion.

September 13, 1999

COLLEEN KOLLAR-KOTELLY
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KATHERINE T. WALLACE, PH.D.	)	
	)	
Plaintiff,	)	Civil Action No.
	)	98CV-1946
vs.	)	(CKK)
	)	
SKADDEN, ARPS, SLATE,	)	
MEAGHER& FLOM LLP et al.	)	
	)	
Defendants.	)	
	)	

September 13, 1999, Filed.

ORDER

For the reasons stated in the accompanying Memorandum Opinion, the Court hereby grants Defendants' Motion to Dismiss, and orders Plaintiff to pay all attorneys' fees and costs' pursuant to 28 U.S.C. § 1927. It is therefore, on this 13th day of September, 1999,

ORDERED that Defendants' Motion to Dismiss [#3] is GRANTED; and it is further

ORDERED that Plaintiff's Complaint is DISMISSED in its entirety with prejudice; and it is further

ORDERED that Plaintiff's Motion for Partial Summary Judgment [#5] is rendered MOOT; and it is further

ORDERED that Defendants' Motion to Stay Plaintiff's Motion for Partial Summary Judgment [#8] is accordingly rendered MOOT; and it is further

ORDERED that Defendants' request for reasonable attorney' fees and costs, pursuant to 18 U.S.C. § 1927, is GRANTED; and it is further

ORDERED that Defendants shall submit an affidavit and documentation in support of their request for reasonable attorneys' fees and costs by October 1, 1999; Plaintiff's Response thereto shall be due October 15, 1999; and Defendants' Reply shall be due October 25, 1999.

SO ORDERED

COLLEEN KOLLAR-KOTELLY
United States District Judge

United States Court of Appeals
For the District of Columbia Circuit

No. 99-7199 **September Term, 1999**
98cv01946

Katherine T. Wallace,
Appellant

v.

Skadden, Arps, Slate, Meagher & Flom LLP et al.,
Appellees.

July 21, 2000, Filed

BEFORE: Williams, Randolph and Rogers, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing filed June 15, 2000, it is **ORDERED** that the petition be denied.

PER CURIAM

United States Court of Appeals
For the District of Columbia Circuit

No. 99-7199 September Term, 1999
98cv01946

Katherine T. Wallace,
Appellant

v.

Skadden, Arps, Slate, Meagher & Flom LLP et al.,
Appellees.

July 21, 2000, Filed

BEFORE: Edwards, Chief Judge; Silberman, Williams, Ginsbug, Sentelle, Henderson, Randolph, Rogers, Tatel and Garland, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc, and the absence of a request by any member of the court for a vote it is

ORDERED that the petition be denied.

PER CURIAM

U.S. Const., Art. 1 § 8, cl. 17

The Congress shall have the Power

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be for the Erection of Forts, Magazines, Arsenals, dock-Yard, and other needful Buildings;

18 USCS § 201 (1998)

§ 201. Bribery of public officials and witnesses

(a) For the purpose of this section--

(1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

(2) the term "person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed; and

(3) the term "official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.

(b) Whoever--

(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been

selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent-

(A) to influence any official act; or

(B) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;

(2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

(A) being influenced in his the performance of any official act;

(B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) being induced to do or omit to do any act in violation of the official duty of such official or person;

(3) directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom;

(4) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for being influenced in testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting

himself therefrom;

shall be fined under this title or not more than three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(c) Whoever--

(1) otherwise than as provided by law for the proper discharge of official duty--

(A) directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person;

(2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of such person's absence therefrom;

(3) directly or indirectly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon any such trial, hearing, or other proceeding, or for or because of such person's absence therefrom;

shall be fined under this title or imprisoned for not more than two

years, or both.

(d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or, in the case of expert witnesses, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(e) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title.

18 USCS § 1503 (1998)

§ 1503. Influencing or injuring officer or juror generally

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is--

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and

(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

18 USCS § 1512 (1999)

§ 1512. Tampering with a witness, victim, or an informant

(b) Whoever knowingly uses intimidation or physical force, threatens or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to--

(1) influence, delay or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to--

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D) be absent from an official proceeding to which such person has been summoned by legal process; or

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than ten years, or both.

(c) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from--

(1) attending or testifying in an official proceeding;

(2) reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

(3) arresting or seeking the arrest of another person in

connection with a Federal offense; or

(4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both.

(d) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(e) For the purposes of this section--

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(f) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance--

(1) that the official proceeding before a judge, court, magistrate, grand jury, or government agency is before a judge or court of the United States, a United States magistrate [United States magistrate judge], a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(g) There is extraterritorial Federal jurisdiction over an offense under this section.

(h) A prosecution under this section or section 1503 may be

brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(i) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

18 USCS § 1515 (1999)

§ 1515. Definitions for certain provisions; general provisions

(a) As used in sections 1512 and 1513 of this title and in this section--

(1) the term "official proceeding" means--

(A) a proceeding before a judge or court of the United States, a United States magistrate [United States magistrate judge], a bankruptcy judge, a judge of the United States Tax Court, a special trial judge of the Tax Court, a judge of the United States Claims Court [United States Court of Federal Claims], or a Federal grand jury;

(B) a proceeding before the Congress;

(C) a proceeding before a Federal Government agency which is authorized by law; or

(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;

(2) the term "physical force" means physical action against another, and includes confinement;

(3) the term "misleading conduct" means--

(A) knowingly making a false statement;

(B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement;

(C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;

(D) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or

(E) knowingly using a trick, scheme, or device with intent to mislead;

(4) the term "law enforcement officer" means an officer or employee of the Federal Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant--

(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

(B) serving as a probation or pretrial services officer under this title;

(5) the term "bodily injury" means--

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary; and

(6) the term "corruptly persuades" does not include conduct which would be misleading conduct but for a lack of a state of mind.

(b) As used in section 1505, the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.

(c) This chapter [*18 USCS §§ 1501* et seq.] does not prohibit or punish the providing of lawful, bona fide, legal representation services in connection with or anticipation of an official proceeding.

18 USCS § 1961 (1)-(6) Definitions

As used in this chapter [*18 USCS §§ 1961* et seq.]--

(1) "racketeering activity" means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act [*21 USCS § 802]),* which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant),

section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1588 (relating to peonage and slavery), *section 1951* (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 (relating to trafficking in contraband cigarettes), sections 2421-24 (relating to white slave traffic), (C) an act which is indictable under title *29, United States Code, section 186* (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in

section 102 of the Controlled Substances Act [*21 USCS § 802*]), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, or (F) any act which is indictable under the Immigration and Nationality Act, section 274 [*8 USCS § 1324*] (relating to bringing in and harboring certain aliens), section 277 [*8 USCS § 1327*] (relating to aiding or assisting certain aliens to enter the United States), or section 278 [*8 USCS § 1328*] (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain;

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

(3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property;

(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

(5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity; . . .

18 USCS § 1962(c) and(d) (1999)

§ 1962. Prohibited activities

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

18 USCS § 1964(c) (1999)

§ 1964. Civil remedies

(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962. The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall start to run on the date on which the conviction becomes final.

28 USCS § 455(a) (1999)

§ 455. Disqualification of justice, judge, or magistrate

(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

D.C. Code § 11-101 (1999)

§ 11-101. Judicial power

The judicial power in the District of Columbia is vested in the following courts:

(1) The following Federal Courts established pursuant to article III of the Constitution:

(A) The Supreme Court of the United States.

(B) The United States Court of Appeals for the District of Columbia Circuit.

(C) The United States District Court for the District of Columbia.

(2) The following District of Columbia courts established pursuant to article I of the Constitution:

(A) The District of Columbia Court of Appeals

(B) The Superior Court of the District of Columbia.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KATHERINE T. WALLACE, PH.D.	)	
	)	
Plaintiff,	)	
	)	**98CV-1946**
vs.	)	(CKK)
	)	
SKADDEN, ARPS, SLATE,	)	
MEAGHER& FLOM LLP et al.	)	
	)	
Defendants.	)	
	)	

FIRST AMENDED[1] COMPLAINT

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, KATHERINE T. WALLACE, Ph.D., ("Plaintiff" or "Dr. Wallace"), attorney pro se, files this First Amended Complaint and hereby sues the following Defendants, jointly and severally: Skadden, Arps, Slate, Meagher & Flom LLP ("Skadden Arps"), Paul, Hastings, Janofsky & Walker LLP ("Paul Hastings"), Epstein, Becker & Green, P.C. ("Epstein Becker"), Morgan, Lewis & Bockius LLP ("Morgan Lewis"), Thomas J. Schwarz, Antoinette Cook Bush, Thomas J. Casey, Henry P. Baer, Robert S. Lighthizer, John J. Mangan, Neal S. McCoy, Janet L. Goetz, Richard L. Brusca, Richard A. Hindman, Ellen Lyons, Barbara Berish Brown, Ellen C. Rice, Glenn Merten, Abbey G. Hairston, Grace E. Speights, Linda L. Rickman, William F. Gould, John J. Burke, Tracey DeVaux, David Scott Nance, Simone Wu , Alicia Batts and Unnamed Defendants A through Z (collectively

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[1] Counts XXXVIII through LXIV and Count LI contain allegations that were either amended or not contained in the original Complaint.

"Defendants") and demands judgment against Defendants, in support of which Plaintiff states the following:

JURISDICTION

1. This Court has jurisdiction of this matter by way of 28 U.S.C. § 1331 which provides this Court with original jurisdiction of any civil action arising under the laws of the United States and by way of 18 U.S.C. § 1964(c).

2. Defendants are law firms and attorneys doing business in the District of Columbia and/or third-party fact witnesses subpoenaed to give depositions in connection with civil actions brought in the Superior Court of the District of Columbia. All wrongful conduct complained of took place in the District of Columbia.

PATTERN OF RACKETEERING ACTIVITY

INTRODUCTION

3. Plaintiff Dr. Katherine T. Wallace, is an African American woman, age 42, who is an attorney and a member of the District of Columbia Bar.

4. Defendant Skadden, Arps, Slate, Meagher & Flom LLP is an enterprise, operating as a law firm within the District of Columbia and in other states and countries, engaged in and whose activities affect interstate and foreign commerce.

5. From September 5, 1993 until September 20, 1995 Dr. Wallace was employed as an associate in the Washington, D.C. office of Defendant Skadden Arps.

6. On September 20, 1995 Dr. Wallace's employment with Defendant Skadden Arps was terminated without notice.

7. On November 1, 1995 Plaintiff Dr. Wallace, attorney pro se, filed a lawsuit in the Superior Court of the District of Columbia, known as Wallace v. Skadden, Arps et al., 95CA-8634 ("Defamation Case"), against Defendants Skadden Arps, Antoinette Cook Bush, Henry P. Baer, Thomas J. Casey, Robert S. Lighthizer, John J.

Mangan, Neal S. McCoy and Richard A. Hindman , all partners, counsel and associates in the firm of Skadden Arps as well Jessie Brooks and David Gross, not defendants here, alleging defamation, intentional infliction of emotional distress and wrongful termination.

8. Defendants Janet Goetz and Ellen Lyons subsequently filed a motion to dismiss on behalf of all Defamation Case Defendants.

9. On or about December 8, 1995 the Defamation Case was dismissed in its entirety.

10. Dr. Wallace filed a timely notice of appeal.

11. In February, 1996 Dr. Wallace, attorney pro se, filed a second lawsuit in the Superior Court of the District of Columbia against Defendants Skadden Arps, Antoinette Cook Bush, Thomas J. Casey and Neal S. McCoy, known as Wallace v. Skadden, Arps et al., 96CA-1053 ("Discrimination Case"), alleging employment discrimination and discriminatory termination based on race and marital status, including the related condition of being a mother of three.

12. Dr. Wallace requested certain discovery, part of which was taken, before the suit was dismissed in its entirety on claim preclusion grounds on May 5, 1996.

13. Defendants Janet Goetz, Ellen Lyons and Richard Brusca represented the Discrimination Case Defendants before the action was dismissed.

14. Dr. Wallace filed a timely notice of appeal.

15. The Defamation and Discrimination cases (collectively "Employment Cases") were consolidated on appeal and argued by Dr. Wallace, attorney pro se, and by Janet Goetz on behalf of the Employment Cases Defendants on October 9, 1997.

16. In a decision announced on January 15, 1998 and subsequently revised on July 30, 1998 The District of Columbia Court of Appeals affirmed in part and reversed in part the Defamation Case and reversed the Discrimination Case in its entirety.

17. In March, 1998 Defendants Paul, Hastings,

Janofsky & Walker LLP, Barbara Berish Brown and Ellen C. Rice entered their appearances as attorneys representing all Defendants in each of the Employment Cases.

18. On April 3, 1998 Defendants Epstein, Becker & Green, P.C. and Abbey G. Hairston entered their appearances as attorneys representing all Defendants in each of the Employment Cases.

19. Subsequently, Defendants Janet Goetz and Ellen Lyons withdrew their appearances as attorneys for Defendants in both Employment Cases; Defamation Case Defendants Brooks and Gross were dismissed by consent.

20. Beginning with Dr. Wallace's initial requests for discovery in March, 1996 and continuing after the reversals on appeal of the Employment Cases, in May, 1998 all Defendants named and unnamed herein, individually and in conspiracy with one another, through their association with and or employment by Skadden, Arps, Slate, Meagher & Flom LLP, an enterprise engaged in and whose activities affect interstate and foreign commerce, and in particular, through their association with and/or employment by such enterprise in connection with its actions as Defendant in the Employment Cases, have directly or indirectly conducted and/ or directly or indirectly participated in the conduct of such enterprise's affairs through a pattern of racketeering activity in violation of 18 U.S.C. § 1962(c) and (d).

21. In particular, Defendants Skadden Arps, Paul Hastings, Epstein Becker and Morgan Lewis, all enterprises doing business as law firms in the District of Columbia whose activities affect interstate and foreign commerce, along with the individual Defendants acting through and in association with them and on their behalf, all but two of whom are lawyers and members of the Bar of the District of Columbia and other state bars, used their positions of trust and honor as lawyers and officers of the Court to carry out such pattern of racketeering activity which includes the following felonious acts:

a. bribery of and offers of bribes to third-party witnesses called by or designated to be called by Dr. Wallace to give testimony under oath before an officer authorized by law to take testimony; in violation of 18 U.S.C. § 201;

b. demands for and acceptance and receipt of bribes by third-party witnesses called by or designated to be called by Dr. Wallace to give testimony under oath before an officer authorized by law to take testimony, in violation of 18 U.S.C. § 201;

c. tampering with third-party witnesses called or designated by Dr. Wallace with the intent to influence, delay and prevent the testimony of such witnesses or to induce such witnesses to withhold testimony or be absent from the deposition to which such witness was legally summoned, in violation of 18 U.S.C.§ 1512(b); and

d. knowingly and corruptly influencing, obstructing and impeding the due administration of justice and/or corruptly endeavoring to do so, in violation of 18 U.S.C. § 1503.

22. Defendants' felonious acts and racketeering activities have injured and continue to injure Plaintiff Dr. Katherine T. Wallace in her business and property and the danger and threat exists that such racketeering activities and the resulting injury to Plaintiff's business and property will continue in the future.

COUNT I

23. The allegations contained in paragraphs 1 through 22 are realleged herein.

24. On or about March 14, 1996 Plaintiff Dr. Katherine Wallace issued a D.C. Superior Court subpoena

to third-party witness Timothy Robinson compelling his deposition in the Discrimination Case.

25. On that same day, Dr. Wallace served a copy of such subpoena on Defendant Janet L. Goetz, partner of Defendant Skadden Arps and member of the District of Columbia, New York and Massachusetts Bars, who represented Discrimination Case Defendants Skadden Arps, Bush, McCoy and Casey.

26. Subsequent to receiving such service, Defendant Richard Brusca, partner in Skadden Arps and member of the District of Columbia and New York Bars, in conspiracy with and at the direction of the Discrimination Case Defendants as well as Defendant Goetz, Defendant Schwarz who is partner and firm-wide litigation practice leader of Skadden Arps and Defendant Baer who is counsel to and employment lawyer for Skadden Arps, contacted third party witness Robinson and offered him cost-free legal services to be paid for by Skadden Arps. with the intent of influencing his testimony under oath at and/or persuading him to absent himself from the deposition to which he was compelled.

27. In particular, Brusca offered third-party witness Robinson cost-free legal representation at the deposition to which he was compelled, such representation to be provided and paid for by Skadden Arps, with the intent of influencing and/or impeding Robinson's testimony or knowingly endeavoring to corruptly persuade him to absent himself from the deposition, a felonious act of attempted of bribery, witness tampering and obstruction of justice, which violates of sections 201, 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT II

28. The allegations contained paragraphs 1 through 27 are realleged herein.

29. After learning that third-party witness Robinson

had been subpoenaed to a deposition in the Discrimination Case, Defendant Ellen Lyons, associate attorney in Skadden Arps' Washington, D.C. office and member of the District of Columbia Bar, contacted Robinson and again offered him cost-free legal representation at the deposition to which he was compelled, to be provided by and paid for by Skadden Arps with the intent of influencing and/or impeding his testimony, a felonious act of attempted bribery, obstruction of justice and witness tampering which violates sections 201, 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

30. Defendant Lyons, in offering such bribe, acted at the direction of Goetz, in conspiracy with Defendants Schwarz, Baer, Brusca, and the Discrimination Case Defendants, Skadden Arps, Bush, Casey and McCoy, also defendants herein.

31. Third-party witness Robinson declined the offers of Brusca and Lyons and subsequently appeared and testified under oath on March 25, 1996 as required by the subpoena.

COUNT III

32. The allegations contained in paragraphs 1 through 31 are realleged herein.

33. On or about May 11, 1998 in a letter of that date, Plaintiff Dr. Wallace provided Defendant Abbey G. Hairston with a list of witnesses Dr. Wallace intended to call for deposition, in an attempt to reach an agreement on the length of the discovery period in the Discrimination Case.

34. On or about May 15, 1998 Plaintiff Dr. Wallace, attorney pro se, and Defendants Hairston and Barbara Berish Brown, appeared on behalf of Discrimination Case Defendants at a scheduling conference before Judge Herbert B. Dixon, at which time a scheduling order was entered and at which time Plaintiff and Defendants agreed

that any discovery requested or taken in either the Discrimination Case or the Defamation Case would be applicable to both such Employment Cases.

35. Subsequently and upon receiving the list of witnesses to be called by Plaintiff, Skadden Arps litigation practice leader Schwarz and Skadden Arps employment lawyer Baer, in conspiracy with and on behalf of Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman, conspired with Defendant Paul Hastings by and through Defendants Brown, Rice and Merten and with Defendant Epstein Becker by and through Defendant Hairston, to commit racketeering in violation of section 1962(d) of Title 18 of the United States Code, to:

a. bribe third-party witnesses with offers of cost-free legal representation to be provided by Defendants Paul Hastings and Epstein Becker and to be paid for by Defendant Skadden Arps with the intent of influencing the sworn testimony of such third-party witnesses at their depositions;

b. to tamper with such third-party witnesses with the intent to influence, delay and/or prevent their testimony and/or with the intent to cause or induce such third-party witnesses to withhold such testimony; and

c. to otherwise knowingly and corruptly influence, obstruct and impede the due administration of justice in the Employment Cases.

COUNT IV

36. The allegations contained in paragraphs 1 through 35 are realleged herein.

37. On or about May 29, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court subpoena and on May 31,

1998 served such subpoena upon third-party witness, Defendant Linda L. Rickman compelling her to appear for a deposition on June 22, 1998 in the Discrimination Case.

38. After receiving such subpoena, third-party witness Rickman contacted Employment Cases Defendant Bush and/or Goetz and sought cost-free legal representation at the deposition to which she had been compelled, in return for allowing the Employment Cases Defendants to influence her testimony under oath, a felonious act of seeking a bribe and obstruction of justice in violation of sections 201 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT V

39. The allegations contained in paragraphs 1 through 38 are realleged herein.

40. Upon being contacted by Rickman, Bush and/or Goetz offered Rickman cost-free legal representation to be provided by counsel to the Employment Cases Defendants, Epstein Becker and Paul Hastings, and to be paid for by Skadden Arps, with the intent of influencing Rickman's testimony under oath, and/or with intent to influence Rickman to absent herself from the deposition to which she was compelled, a felonious act of bribery, obstruction of justice and witness tampering in violation sections 201, 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of sections 1962(c) and(d) of Title 18 of the United States Code.

41. Bush further advised third-party witness Rickman to contact Defendant Abbey G. Hairston, a partner employed by Epstein Becker and member of the District of Columbia, Florida and Maryland Bars, in order to arrange such cost-free legal representation.

COUNT VI

42. All the allegations contained in paragraphs 1

through 41 are realleged herein.

43. Third-party witness Rickman subsequently contacted Hairston, who, on behalf of the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and at their instruction, as well as at the instruction of litigation practice leader Schwarz, further offered and agreed to provide cost-free legal representation to third-party witness Rickman, to be paid for by Defendant Skadden Arps, in return for Rickman's agreement to be influenced in her testimony under oath, and for her agreement to absent herself from the deposition to which she was compelled if so instructed by the Employment Cases Defendants or their lawyers, a felonious act of bribery, witness tampering and obstruction of justice in violation of sections 201, 1512 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT VII

44. The allegations contained in paragraphs 1 through 43 are realleged herein.

45. On or about June 12, 1998 in a letter of that date, Defendant Barbara Berish Brown, partner in Paul Hastings and member of the District of Columbia and Pennsylvania Bars, in furtherance of the conspiracy to influence Rickman and in performance of the agreement with her to do so, on behalf of the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman, and at their instruction and that of Skadden Arps litigation practice leader Schwarz, informed Dr. Wallace that third-party witness Rickman would not appear for deposition on the date compelled, knowingly and corruptly persuading Rickman, a third-party witness, to absent herself from such deposition, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of the United States Code, as

part of a pattern of racketeering activity in violation of sections 1962(c) and (d) of Title 18 of the United States Code.

COUNT VIII

46. The allegations contained in paragraphs 1 through 45 are realleged herein.

47. On or about July 20, 1998 in furtherance of the conspiracy to influence third-party witness Rickman's testimony under oath and in performance of her agreement allowing the Employment Cases Defendants to influence her testimony under oath, third-party witness Rickman met with Hairston at the offices of Epstein Becker at which time Hairston, on behalf of and at the direction of Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and at their instruction and that of Skadden Arps litigation practice leader Schwarz, instructed third-party witness Rickman regarding her testimony to be given under oath, knowingly and corruptly influencing and impeding the due administration of justice, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT IX

48. The allegations contained in paragraphs 1 through 47 are realleged herein.

49. On July 22, 1998 Rickman appeared for deposition, with Abbey Hairston of Epstein Becker appearing as counsel for the Employment Cases Defendants **and** as counsel for third-party witness Rickman, in furtherance of the conspiracy to influence Rickman and in performance of the agreement between Rickman and the Employment Cases Defendants that Rickman be influenced under oath.

50. At such time, Hairston, acting on behalf of

Employment Cases Defendants, on numerous occasions instructed third-party witness Rickman regarding her testimony under oath, including instructing her not to answer questions posed by Plaintiff Dr. Wallace, knowingly corruptly persuading Rickman with the intent of influencing her testimony and inducing her to withhold testimony, all felonious acts of witness tampering and obstruction of justice in violation of sections 1503 and 1512 of title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT X

51. The allegations contained in paragraphs 1 through 50 are realleged herein.

52. In furtherance of the conspiracy and in performance of the agreement between Rickman and the Employment Cases Defendants, third-party witness Rickman followed the Hairston's instructions and withheld testimony as instructed by Hairston, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XI

53. The allegations contained in paragraphs 1 through 52 are realleged herein.

54. After several hours, the Rickman deposition was suspended without being completed.

55. In furtherance of the conspiracy and in performance of their agreement with Rickman, on or about August 5, 1998 Defendants Paul Hastings, Epstein Becker, by and through Brown and Hairston, respectively, on behalf of the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and, on behalf of third-party witness Rickman, filed a Motion for Protective Order in the D.C. Superior

Court in the Defamation Case, (Wallace v. Skadden, Arps et al., 95CA-8634) asking Judge Ann O'Regan Keary to prevent Plaintiff Dr. Wallace from deposing Rickman on certain matters deemed by Defendants to be irrelevant to the Defamation Case.

56. In filing such motion, the Employment Cases Defendants as well as Defendants Paul Hastings and Epstein Becker, by and through Brown and Hairston, respectively, knowingly and corruptly concealed from Judge Keary the fact that third-party witness Rickman was not subpoenaed or deposed in the Defamation Case or in any case before Judge Keary, and further knowingly and corruptly concealed the fact that Judge Keary had no jurisdiction to issue any order with respect to Rickman's testimony.

57. In filing such motion, such Defendants knowingly and corruptly concealed the fact that third-party witness Rickman was subpoenaed and deposed in the Discrimination Case (Wallace v. Skadden, Arps et al., 96CA-1053), presided over by Judge Herbert B. Dixon, Jr., to which the testimony sought to be excluded is entirely relevant.

58. The misleading conduct of the Employment Cases Defendants and Defendants Paul Hastings and Epstein Becker, by and through Brown and Hairston, respectively, in filing such motion, knowingly and corruptly endeavoring to influence and impede Judges Keary and Dixon in the discharge of their duties, with the intent of preventing the testimony of third-party witness Rickman are felonious acts of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XII

59. The allegations contained in paragraphs 1 through 58 are realleged herein.

60. On or about May 29, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court subpoena which was served on May 31, 1998 on third-party witness Defendant Alicia L. Batts, an attorney employed by the United States Federal Trade Commission and member of the District of Columbia and New York Bars, to compel her testimony at a deposition on June 24, 1998.

61. On or about June 10, 1998 in a letter of that same date, Defendant Morgan Lewis, by and through Defendant Grace E. Speights, partner in Morgan Lewis and member of the District of Columbia and Pennsylvania Bars, informed Dr. Wallace that it represented third-party witness Batts in connection with the deposition to which she had been compelled.

62. On or about June 16, 1998 Plaintiff Dr. Wallace and Speights, on behalf of third-party witness Batts, agreed to allow Batts to comply with the subpoena by giving testimony under oath on August 3, 1998.

63. On or about July 27, 1998 in a letter of that date, Defendant Brown on behalf of, in conspiracy with and at the direction of the Employment Cases Defendants Skadden, Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and Skadden Arps litigation practice leader Schwartz, attempted to corruptly persuade Dr. Wallace to delay the deposition of third-party witness Batts for at least another month, a felonious act in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962 of the United States Code.

COUNT XIII

64. The allegations contained in allegations 1 through 63 are realleged herein.

65. On or about July 28, 1998 Defendant Speights confirmed her intention with Dr. Wallace to produce third-party witness Batts and to appear at Batts's deposition on August 3.

66. Despite Speights's and Batts's intention to appear

and despite Brown's and Hairston's confirmation that Hairston could appear at a deposition to represent the Employment Cases Defendants on August 3, Brown, on behalf of and at the direction of the Employment Cases Defendants and Schwarz, contacted Speights and through Speights offered Batts cost-free legal services to be provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps, in the form of a motion to quash the subpoena served on third-party witness Batts, with the intent of delaying Batts's testimony and inducing her to absent herself from the deposition to which she was legally compelled, a felonious act of bribery, witness tampering and obstruction of justice in violation of sections 201, 1503 and 1512 of Title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XIV

67. The allegations contained in paragraphs 1 through 66 are realleged herein.

68. In conspiracy with the Employment Cases Defendants as well as Defendants Paul Hastings and Epstein Becker, by and through Brown and Hairston, respectively, Speights of Morgan Lewis, on behalf of third-party witness Batts, accepted the cost-free legal services provided by Epstein Becker and Paul Hastings and paid for by Defendant Skadden Arps, in return for Batts's agreement to absent herself from the deposition to which she had been legally compelled, a felonious act of accepting a bribe and obstruction of justice in violation of sections 201 and 1503 of Title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962(c) and(d).

COUNT XV

69. The allegations contained in paragraphs 1 through 68 are realleged herein.

70. In furtherance of the conspiracy and in performance of the agreement among third-party witness Batts, Speights, Brown, Hairston and the Employment Cases Defendants, an untimely motion to quash the Batts subpoena was prepared by Epstein Becker and Paul Hastings, paid for by Skadden Arps and untimely filed with the D.C. Superior Court in the Discrimination Case, in an endeavor to influence, impede and obstruct the due administration of justice in the Employment Cases, a felonious act in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XVI

71. The allegations contained in paragraphs 1 through 70 are realleged herein.

72. In furtherance of the conspiracy and in performance of the agreement Batts and Speights entered with the Employment Cases Defendants and their lawyers Paul Hastings and Epstein Becker, third-party witness Batts through a letter dated July 30, 1998 from Brown to Dr. Wallace and in a subsequent letter from Speights, refused to appear for the deposition to which she was legally compelled and in fact and failed to so appear, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (c) of Title 18 of the United States Code.

COUNT XVII

73. The allegations contained in paragraphs 1 through 72 are realleged herein.

74. On or about June 5, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court subpoena to and on June 7, 1998 served such subpoena on third-party witness Defendant William F. Gould, an Assistant United States Attorney employed with the Department of Justice in the

District of Columbia and member of the District of Columbia Bar, compelling him to attend a deposition on July 8, 1998.

75. Upon receipt of such subpoena, third-party witness Gould contacted Defendants Paul Hastings, the lawyers representing the Employment Cases Defendants and requested cost-free legal representation at the deposition to which he had been compelled, in return for allowing the Employment Cases Defendants to influence his testimony under oath, a felonious act of seeking a bribe and obstruction of justice in violation of sections 201 and 1503 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XVIII

76. The allegations contained in paragraphs 1 through 75 are realleged herein.

77. Upon being contacted by Gould, Defendant Brown, on behalf of and at the direction of the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and Skadden Arps litigation practice leader Schwarz, offered third-party witness Gould cost-free legal representation to be provided by counsel to the Employment Cases Defendants, Paul Hastings, to be paid for by Skadden Arps, with the intent of influencing Gould's testimony under oath, a felonious act of bribery, witness tampering and obstruction of justice in violation sections 201, 1512 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and(d) of Title 18 of the United States Code.

COUNT XIX

78. The allegations contained in paragraphs 1 through 77 are realleged herein

79. On or about July 2, 1998 in a letter of the same date, Defendant Ellen C. Rice, an associate of Paul

Hastings and member of the District of Columbia and Maryland Bars, on behalf of the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and at the direction of Brown, contacted Plaintiff Dr. Wallace in an knowing attempt to corruptly persuade Dr. Wallace to cancel the deposition of third-party witness Gould, with the intent of preventing Gould's testimony and impeding the due administration of justice, a felonious act in violation of section 1503 of Title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

80. Dr. Wallace declined to cancel Gould's deposition.

COUNT XX

81. The allegations contained in paragraphs 1 through 80 are realleged herein.

82. On or about July 8, 1998 in furtherance of the conspiracy to corruptly influence third-party witness Gould's testimony under oath and in performance of the agreement between Gould and the Employment Cases Defendants to allow the influence of his testimony, Gould met Defendant Brown at the offices of Paul Hastings, at which time Brown, on behalf of the Employment Cases Defendants, instructed Gould regarding his testimony to be given under oath, a felonious act of witness tampering and obstruction of justice in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

83. Dr. Wallace declined to cancel Gould's deposition.

COUNT XXI

84. The allegations contained in paragraphs 1 through 83 are realleged herein.

85. On or about July 8, 1998 in furtherance of the conspiracy to corruptly influence third-party witness Gould's testimony under oath and in performance of the agreement between Gould and the Employment Cases Defendants to allow the influence of his testimony, Gould appeared for deposition, with Defendant Brown appearing as counsel for the Employment Cases Defendants and counsel for third-party witness Gould.

86. At such time, Brown, acting on behalf of and in conspiracy with the Employment Cases Defendants, on numerous occasions instructed third-party witness Gould regarding his testimony under oath, including instructing him not to answer questions posed by Plaintiff Dr. Wallace, knowingly and corruptly persuading Gould with the intent of influencing his testimony and inducing him to withhold testimony, all felonious acts witness tampering and obstruction of justice in violation of sections 1503 and 1512 of Title 18 of the United States Code, as a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXII

87. The allegations contained in paragraphs 1 through 86 are realleged herein.

88. In furtherance of the conspiracy to influence Gould's testimony and in performance of the agreement between Gould and the Employment Cases Defendants and their lawyers Paul Hastings and Epstein Becker, third-party witness Gould followed Brown's instructions and withheld testimony as instructed by Brown, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXIII

89. The allegations contained in paragraphs 1 through 88 are realleged herein.

90. On or about June 5, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court subpoena to and on June 7 served such subpoena on third-party witness Defendant John J. Burke, a lawyer and associate in the law firm of Pepper, Hamilton LLP and member of the District of Columbia and Pennsylvania Bars, compelling him to appear for a deposition on July 10, 1998.

91. A copy of such subpoena was served on counsel to the Employment Cases Defendants, Brown and Hairston.

92. Upon learning of the issuance of a subpoena to third-party witness Burke, Defendant Glenn Merten, an associate of Paul Hastings, at the direction of Defendant Brown on behalf of and in conspiracy with the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and Skadden Arps litigation practice leader Schwarz, contacted Burke and offered him cost-free legal representation at the deposition to which he was compelled, to be provided by Defendants Paul Hastings and Epstein Becker and to be paid for by Skadden Arps, with the intent of influencing Burke's testimony under oath, a felonious act of bribery, obstruction of justice and witness tampering in violation of sections 201, 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXIV

93. The allegations contained in paragraphs 1 through 92 are realleged herein.

94. Upon being contacted by Merten, third-party witness Burke sought and accepted cost-free legal representation at the deposition to which he was compelled, to be provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps in return for being influenced in his testimony under oath by the Employment Cases Defendants, a felonious act of accepting a bribe and obstruction of justice in violation of sections 201 and 1503

of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXV

95. The allegations contained in paragraphs 1 through 94 are realleged herein.

96. In furtherance of the conspiracy to corruptly influence third-party witness Burke's testimony under oath and in performance of the agreement between Burke and the Employment Cases Defendants to allow the influence of his testimony, on or about July 3, 1998 Burke met with Defendant Hairston, at which time Hairston instructed Burke regarding his testimony to be given under oath, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXVI

97. The allegations contained in paragraphs 1 through 96 are realleged herein.

98. On or about July 10, 1998 in furtherance of the conspiracy to corruptly influence third-party witness Burke's testimony under oath and in performance of the agreement between Burke and the Employment Cases Defendants to allow the influence of his testimony, Burke appeared for deposition with Defendant Hairston appearing as counsel for the Employment Cases Defendants **and** as counsel for third-party witness Burke.

99. At such time, Hairston, acting on behalf of and in conspiracy with the Employment Cases Defendants, on numerous occasions instructed third-party witness Burke regarding his testimony under oath, including instructing him not to answer questions posed by Plaintiff Dr. Wallace, knowingly and corruptly persuading Burke with the intent of influencing his testimony and of inducing him

to withhold testimony, all felonious acts of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962 of Title 18 of the United States Code.

COUNT XXVII

100. The allegations contained in paragraphs 1 through 99 are realleged herein.

101. In furtherance of the conspiracy to corruptly influence Burke's testimony under oath and in performance of the agreement between Burke and the Employment Cases Defendants and their lawyers Paul Hastings and Epstein Becker, third-party witness Burke declined, refused and failed to answer questions in accordance with Hairston's instruction, withholding his testimony under oath at her instruction, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXVIII

102. The allegations contained in paragraphs 1 through 101 are realleged herein.

103. After Employment Cases Defendants and their lawyers learned by way of Dr. Wallace's letter dated May 11, 1998 that third-party witness Defendant Tracey DeVaux was identified as a witness to be called for deposition, Employment Cases Defendant Bush, on behalf of and in conspiracy with the other Employment Cases Defendants Skadden Arps, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman as well as Skadden Arps litigation practice leader Schwarz, and at their direction, contacted third-party witness DeVaux to offer her cost-free legal representation to be provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps, in the event she was subpoenaed for a deposition.

104. Bush offered such cost-free legal services with the

intent to corruptly influence DeVaux's testimony under oath, a felonious act of attempted bribery, witness tampering and obstruction of justice in violation of sections 201, 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of title 18 of the United States Code.

105. Third-party witness DeVaux declined the offer for cost-free representation at that time.

COUNT XXIX

106. The allegations contained in paragraphs 1 through 105 are realleged herein.

107. On or about June 5, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court subpoena which was served on June 7, 1998 on third-party witness Defendant Tracey DeVaux, to compel her to appear for deposition of July 9, 1998.

108. In a telephone conversation with Dr. Wallace on or about June 8, 1998, DeVaux and Dr. Wallace agreed that DeVaux would comply with the subpoena by giving testimony on July 15, 1998.

109. After receiving notice of the subpoena issued to Tracey DeVaux, Defendant Rice, at the direction of and in conspiracy with Defendants Brown and Hairston and Schwarz, at the direction of, on behalf of and in conspiracy with the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman, contacted third-party witness DeVaux and offered her cost-free legal representation at the deposition to which she was compelled, to be provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps.

110. Rice offered such bribe to DeVaux with the intent to influence DeVaux's testimony under oath, a felonious act of attempted bribery, obstruction of justice and witness tampering in violation of sections 201, 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of

racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

111. Third-party witness DeVaux declined Rice's offer at that time.

COUNT XXX

112. The allegations contained in paragraphs 1 through 110 are realleged herein.

113. On or about July 13, 1998, at the direction of Defendants Brown, Hairston and Schwarz and on behalf of the Employment Cases Defendants Skadden Arps, Bush, Baer, McCoy, Casey, Lighthizer, Mangan and Hindman, Defendant Rice again contacted third-party witness DeVaux and offered her cost-free legal representation at the deposition to which she was compelled, in an attempt to corruptly persuade her and with the intent of influencing DeVaux's testimony under oath, a felonious act of bribery, witness tampering and obstruction of justice in violation of sections 201, 1503 and 1512 of Title 18 of the United States Code, as a part of a pattern of racketeering activity in violation section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXXI

114. The allegations contained in paragraphs 1 through 113 are realleged herein.

115. Upon the third offer of cost-free legal representation to third-party witness DeVaux, Defendant DeVaux accepted such cost-free legal representation to be provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps, in return for her agreement to be influenced in her testimony, a felonious act of accepting a bribe and obstruction of justice in violation of sections 201 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXXII

116. The allegations contained in paragraphs 1 through 115 are realleged herein.

117. On or about July 15, 1998 in furtherance of the conspiracy to corruptly influence DeVaux's testimony under oath and in performance of the agreement between DeVaux and Defendants in the Employment Cases as well as Schwarz, Brown and Hairston, third-party witness DeVaux met with Rice and Hairston at the offices of Epstein Becker, at which time Rice and Hairston instructed DeVaux regarding her testimony to be given under oath, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXXIII

118. The allegations contained in paragraphs 1 through 117 are realleged herein.

119. On or about July 15, 1998 in furtherance of the conspiracy to corruptly influence DeVaux's testimony under oath and in performance of the agreement among DeVaux and Defendants in the Employment Cases as well as Schwarz, Brown and Hairston, third-party witness DeVaux appeared for deposition with Defendants Rice and Hairston representing **both** the Employment Cases Defendants **and** third-party witness DeVaux., at which time Rice and Hairston instructed DeVaux numerous times regarding her testimony under oath, including numerous instructions to DeVaux not to answer certain questions posed by Plaintiff Dr. Wallace, corruptly persuading her to withhold testimony, felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXXIV

120. The allegations contained in paragraphs 1 through 119 are realleged herein.

121. On or about July 15, 1998 in furtherance of the conspiracy to corruptly influence DeVaux's testimony under oath and in performance of the agreement between and among DeVaux, the Employment Cases Defendants, Schwarz, Brown and Hairston, third-party witness DeVaux refused, declined and failed to answer questions posed by Plaintiff Dr. Wallace, in accordance with Hairston's and Rice's instructions, withholding her testimony, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of title 18 of the United States Code.

COUNT XXXV

122. The allegations contained in paragraphs 1 through 121 are realleged herein.

123. On or about June 5, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court subpoena which was served on June 7, 1998 upon third-party witness Rhoda Weeks, compelling her to appear for a deposition on June 23, 1998.

124. On June 8, 1998 Dr. Wallace served copies of such subpoena on lawyers for the Employment Cases Defendants, Hairston of Paul Hastings and Brown of Epstein Becker.

125. Upon receiving notice of the subpoena issued to third-party witness Weeks, Employment Cases Defendant Bush, on behalf of, in conspiracy with and at the direction of the other Employment Cases Defendants Skadden Arps, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and Skadden Arps litigation practice leader Schwarz, contacted third-party witness Weeks and offered her cost-free legal representation at the deposition to which she had

been compelled, to be provided by Paul Hastings and Epstein Becker and to be paid for by Skadden Arps, with the intent of influencing Weeks's testimony under oath, a felonious act of attempted bribery, witness tampering and obstruction of justice in violation of sections 201, 1512 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

126. Third-party witness Weeks declined Bush's offer.

COUNT XXXVI

127. The allegations contained in paragraphs 1 through 126 are realleged herein.

128. In a telephone conversation with Dr. Wallace on or about July 6, 1998 Weeks and Dr. Wallace agreed that Weeks would comply with the subpoena by giving testimony on July 24, 1998.

129. Subsequently, Defendant Hairston contacted Weeks and arranged a lunch meeting with Weeks.

130. At such lunch meeting which subsequently took place, Defendant Hairston, on behalf of, in conspiracy with and at the direction of the Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and Skadden Arps litigation practice leader Schwarz, renewed the offer to Weeks of cost-free legal representation for the deposition to which she had been compelled, to be provided by Paul Hastings and Epstein Becker and to be paid for by Skadden Arps, with the intent of influencing Weeks's testimony under oath, a felonious act of attempted bribery, witness tampering and obstruction of justice in violation of sections 201, 1512 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

131. Third-party witness Weeks declined Hairston's offer

COUNT XXXVII

132. The allegations contained in paragraphs 1 thorough 131 are realleged herein.

133. On or about July 24, 1998 third-party witness Weeks, a lawyer representing herself, appeared for deposition in accordance with the subpoena issued to her and with her subsequent agreement with Dr. Wallace.

134. Defendants Brown and Hairston appeared on behalf of the Employment Cases Defendants.

135. On behalf of and in furtherance of the conspiracy among Employment Cases Defendants, Skadden Arps litigation practice leader Schwarz, Epstein Becker and Paul Hastings to corruptly influence Weeks's testimony under oath, Defendants Brown and Hairston intentionally harassed and intimidated third-party witness Weeks with scores of objections to the questions posed by Dr. Wallace, thereby hindering her testimony under oath, and endeavoring to influence Weeks's testimony under oath, including instructing third-party witness Weeks not to answer certain questions posed by Dr. Wallace, corruptly persuading her to withhold testimony, all felonious acts of witness tampering and obstruction of justice in violation of sections 1512 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

136. Because of Hairston's and Brown's intimidation tactics, Weeks did not respond to certain questions posed by Plaintiff Dr. Wallace.

COUNT XXXVIII

137. The allegations contained in paragraphs 1 through 136 are realleged herein.

138. On or about June 5, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court subpoena which was served on June 7, 1998 upon third-party witness Defendant Simone Wu, a lawyer and member of the District of Columbia Bar, compelling Wu to appear for a deposition

on July 14, 1998.

139. On June 8, 1998 Dr. Wallace served copies of such subpoena on lawyers for the Employment Cases Defendants, Hairston of Paul Hastings and Brown of Epstein Becker.

140. After receiving the subpoena, Wu contacted Defendant Goetz and/or Bush, who, on behalf of the Employment Cases Defendants offered third-party witness Wu cost-free legal representation at the deposition to which she had been compelled, to be provided by Paul Hastings and Epstein Becker and to be paid for by Skadden Arps, with the intent of influencing Wu's testimony under oath, a felonious act of bribery, witness tampering and obstruction of justice in violation of sections 201, 1512 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XXXIX

141. The allegations contained in paragraphs 1 through 140 are realleged herein.

142. At Goetz's prompting, Wu contacted Defendant Brown, lawyer for the Employment Cases Defendants, at which time Wu accepted the offer of cost-free legal representation of her at the deposition to which she had been compelled, to be provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps, in return for Wu's agreement to be influenced in her testimony under oath, and for her agreement to absent herself from the deposition to which she was compelled if so instructed by the Employment Cases Defendants or their lawyers, a felonious act of accepting a bribe and obstructing justice in violation of sections 201 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XL

143. The allegations contained in paragraphs 1 through 142 are realleged herein.

144. After such time that third-party witness Wu agreed to accept cost-free legal representation in exchange for the Employment Cases Defendants' influence of her and her testimony under oath, Defendants Paul Hastings and Epstein Becker, by and through Brown, Hairston and Rice, in furtherance of the conspiracy to influence Wu and in performance of her agreement to allow such influence, repeatedly, intentionally, and corruptly caused Wu's appearance for deposition to which she had been compelled to be delayed, hindered and prevented, repeatedly, knowingly and corruptly persuading third-party witness Wu, to absent herself from such compelled testimony, with the intention of preventing and hindering such testimony, all felonious acts of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code, which includes the following:

a. on or about June 12, 1998 in a letter of the date, Defendant Brown informed Dr. Wallace that third-party witness Wu would not appear for compelled testimony on July 14;

b. on or about June 18, 1998 in a letter of that date, Defendant Brown informed Plaintiff Dr. Wallace that third-party witness Wu would not give compelled testimony on July 24, 1998 as agreed, for her compliance the subpoena;

c. on or about July 21, 1998 in a letter of that date, Defendant Rice informed Plaintiff Dr. Wallace that Wu would not appear for compelled testimony until

August 24, 1998, nearly six weeks after the date compelled by the subpoena;

d. after requesting that Dr. Wallace provide an earlier date in August for Wu's compelled deposition, on or about July 28, 1998 in a letter of that date, Defendant Hairston refused to produce third-party witness Wu for compelled testimony on August 10, 1998;

e. on or about July 29, 1998 Defendant Hairston refused to produce third-party witness Wu for compelled testimony on either August 5 or 7, 1998;

f. after Defendant Brown in a letter dated July 29, 1998 offered to produce Wu for compelled testimony on August 3, 1998, she subsequently refused to produce third-party witness Wu for compelled deposition testimony on either August 3, 1998 or August 4, 1998 in letters dated July 31, and July 30, 1998, respectively.

COUNT XLI

145. The allegations contained in paragraphs 1 through 144 are realleged herein.

146. In performance of her agreement to be influenced by the Employment Cases Defendants, in return for cost-free legal representation provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps and in furtherance of the conspiracy among them, third party-witness Defendant Wu failed to appear for deposition testimony as compelled by the subpoena served upon her and failed to appear on any subsequent date agreed to by Brown, Rice or Hairston on her behalf, for the fulfillment of her obligations under the subpoena, all felonious acts of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering in violation of section 1962 (c) and (d) of

Title 18 of the United States Code.

COUNT XLII

147. The allegations contained in paragraphs 1 through 146 are realleged herein.

148. In or about mid-June, 1998 in furtherance of the conspiracy to influence Wu's testimony under oath and in performance of the agreement between Wu and Defendants in the Employment Cases as well as Schwarz, Brown and Hairston, third-party witness Wu met with Defendant Brown, at which time brown instructed Wu regarding her testimony to be given under oath, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XLIII

149. The allegations contained in paragraphs 1 through 148 are realleged herein.

150. On or about August 24, 1998 in furtherance of the conspiracy to influence Wu's testimony under oath and in performance of the agreement among Wu and Defendants in the Employment Cases as well as Schwarz, Brown and Hairston, third-party witness Wu appeared for deposition with Defendant Brown representing **both** the Employment Cases Defendants **and** third-party witness Wu at which time Brown instructed Wu numerous times regarding her testimony under oath, including instructions to Wu not to answer certain questions posed by Plaintiff Dr. Wallace, corruptly persuading her to withhold testimony, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XLIV

151. The allegations contained in paragraphs 1 through 150 are realleged herein.

152. After learning by way of Plaintiff Dr. Wallace's May 11, 1998 letter that third-party witness Defendant Scott Nance would be called to give deposition testimony in the Employment Cases, Defendant Rice, on behalf of and in conspiracy with Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and Skadden Arps litigation practice leader Schwarz and at their direction and that of Brown and Hairston, contacted third-party witness Nance and offered him cost-free legal representation at his deposition in the event that Plaintiff Dr. Wallace subpoenaed him to appear, such legal representation to be provided by Paul Hastings and Epstein Becker and to be paid for by Skadden, Arps, with the intent of influencing Nance's testimony under oath, a felonious act of bribery, witness tampering and obstruction of justice in violation of sections 201, 1512 and 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code. as a third-party witness to be called for deposition,

COUNT XLV

153. The allegations contained in paragraphs 1 through 152 are realleged herein.

154. Upon being contacted by Rice, third-party witness Nance, a named partner in the law firm Colby and Nance and member of the District of Columbia Bar, accepted the offer of cost-free legal representation, to be provided by Paul Hastings and Epstein Becker and paid for by Skadden Arps, in return for his agreement to be influenced in his testimony under oath, a felonious act of accepting a bribe and obstructing justice in violation of sections 201 and 1503 of Title 18 of the United States Code, as part of a

pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XLVI

155. The allegations contained in paragraphs 1 through 154 are realleged herein.

156. On or about August 24, 1998 in furtherance of the conspiracy to corruptly influence Wu's testimony under oath and in performance of the agreement between and among Wu, the Employment Cases Defendants, Schwarz, Brown and Hairston, third-party witness Wu refused, declined and failed to answer questions posed by Plaintiff Dr. Wallace, in accordance with Brown's instructions, withholding her testimony, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962(c) and (d) of title 18 of the United States Code.

COUNT XLVII

157. The allegations contained in paragraphs 1 through 156 are realleged herein.

158. On or about July 17, 1998 Plaintiff Dr. Wallace issued a D.C. Superior Court Subpoena and served such subpoena on July 19, 1998 on third-party witness Scott Nance, compelling his testimony under oath on August 6, 1998.

159. In furtherance of the conspiracy to corruptly influence third-party witness Nance's testimony under oath and in performance of his agreement with the Employment Cases Defendants to allow the influence of his testimony, third-party witness Nance met with Defendant Rice, at which time Rice instructed him regarding his testimony to be given under oath, knowingly and corruptly impeding the administration of justice, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of

racketeering activity, in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT XLVIII

160. The allegations contained in paragraphs 1 through 159 are realleged herein.

161. On or about August 6, in furtherance of the conspiracy to corruptly influence third-party witness Nance's testimony under oath and in performance of his agreement allowing the Employment Cases Defendants to influence his testimony under oath, third-party witness Nance met with Hairston at the offices of Epstein Becker at which time Hairston, in conspiracy with, on behalf of and at the direction of Employment Cases Defendants Skadden Arps, Bush, Baer, Casey, Lighthizer, Mangan, McCoy and Hindman and Skadden Arps litigation practice leader Schwarz, instructed third-party witness Nance regarding his testimony to be given under oath, knowingly and corruptly influencing and impeding the due administration of justice, a felonious act of obstruction of justice and witness tampering in violation of sections 1503 and 1512 of Title 18 of the United States Code, as part of a pattern of racketeering activity in violation of section 1962 of Title 18 of the United States Code.

COUNT XLIX

162. The allegations contained in paragraphs 1 through 161 are realleged herein.

163. On August 6, 1998 Nance appeared for deposition, with Abbey Hairston of Epstein Becker, Ellen Rice of Paul Hastings and Henry P. Baer of Skadden Arps all appearing as counsel for the Employment Cases Defendants **and** counsel for third-party witness Nance, in furtherance of the conspiracy to corruptly influence Nance's testimony under oath and in performance of the agreement between Nance and the Employment Cases Defendants that Nance be influenced under oath.

164. At such time, Hairston and Rice, acting on behalf,

in conspiracy with and at the direction of Employment Cases Defendants, on numerous occasions instructed third-party witness Nance regarding his testimony under oath, including instructing him not to answer questions posed by Plaintiff Dr. Wallace, knowingly and corruptly persuading Nance with the intent of influencing his testimony and inducing him to withhold testimony, all felonious acts of witness tampering and obstruction of justice in violation of sections 1503 and 1512 of title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962 of Title 18 of the United States Code.

COUNT L

165. The allegations contained in paragraphs 1 through 164 are realleged herein.

166. In furtherance of the conspiracy to corruptly influence Nance's testimony under oath and in performance of the agreement between Nance and the Employment Cases Defendants to allow influence over his testimony, third-party witness Nance followed Hairston's and Rice's instructions, failing, refusing and declining to answer certain questions posed by Dr. Wallace and withheld testimony in accordance with their instructions, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT LI

167. The allegations contained in paragraphs 1 through 166 are realleged herein.

168. On or about August 17, 1998 in a letter of that date, on behalf of, at the direction of and in conspiracy with the Employment Cases Defendants and Defendants Brown, Rice and Schwarz, Defendant Rice wrote to Plaintiff attempting to put certain deposition testimony of

third party witnesses under seal and attempting to preclude its use as evidence of Defendants' racketeering activities, including bribery of witnesses, witness tampering and obstruction of justice, a felonious act of obstruction of justice in violation of section 1503 of Title 18 of the United States Code, as a part of a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

COUNT LII

169. The allegations contained in paragraphs 1 through 168 are realleged herein.

170. Unnamed Defendants A through Z[2] on behalf of and/or in conspiracy with and/or at the direction of the Employment Cases Defendants corruptly offered and/or accepted goods and/or services of value, with the intent of influencing the testimony of a third-party witness called or to be called in the Employment Cases, and/or endeavored to corruptly influence, delay or prevent the testimony of a third-party witness in such proceedings, all felonious acts of bribery and/or witness tampering and/or obstruction of justice in violation of sections 201, 1512 and 1503 of Title 18 of the United States Code, as a pattern of racketeering activity in violation of section 1962(c) and (d) of Title 18 of the United States Code.

DEMAND FOR JURY TRIAL

Plaintiff, Dr. Katherine T. Wallace hereby demands a trial by jury for the resolution of the controversy raised in this Complaint.

INJUNCTIVE RELIEF

Because Defendants' continued pattern of racketeering activities, including the tampering with and bribery of third-party witnesses and obstruction of justice has caused and threatens to continue to cause irreparable harm and injury to Plain-

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[2] To be identified through discovery.

tiff in her business and property and because Plaintiff has no adequate remedy at law, Plaintiff is entitled to injunctive relief as part of her remedy pursuant to section 1964(a) of Title 18 of the United States Code.

WHEREFORE, by reason of the foregoing, Plaintiff, DR. KATHERINE T. WALLACE, PH.D. requests that this honorable Court, after notice and hearing, enter a preliminary injunction prohibiting and enjoining the Defendants from continuing their racketeering activities, together with an appropriate fine on a per diem basis post injunction; after trial of the cause, a permanent injunction prohibiting and enjoining the Defendants from continuing their racketeering activities together with an appropriate fine on a per diem basis post judgment; cost and expenses attributable to this action; reasonable attorneys' fees and such other and further relief as this Court deems just and proper.

PRAYER FOR RELIEF

WHEREAS Defendants are jointly and severally liable for all damages suffered by Plaintiff as a result of the foregoing felonious acts and pattern of racketeering, Plaintiff KATHERINE T. WALLACE, PH.D. demands judgment against Defendants as follows:

A. Compensatory damages in the amount of $120,000,000 (One Hundred Twenty Million Dollars) to be awarded threefold for injury to Plaintiff's business and property;
B. Costs and expenses attributable to this action;
C. Appropriate injunctive relief;
D. Reasonable attorneys fees; and
E. Such further and other relief as this honorable Court deems proper.

Respectfully Submitted,

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Plaintiff, Attorney pro se